

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Nicholas Alan Dunn

Case: 4:22-mj-30540

Assigned To : Ivy, Curtis, Jr

Assign. Date : 12/22/2022

Description: IN RE SEALED MATTER (kcm)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of On or about 10/1/2022-12/20/2022 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §§ 2251 & 2

Attempted production and production of child pornography

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: December 22, 2022

City and state: Flint, Michigan



Complainant's signature

David Alley, Special Agent HSI-ICE

Printed name and title



Judge's signature

Curtis Ivy, Jr., United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT

I, Dave Alley, being first duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Homeland Security Investigations (HSI), of the United States Department of Homeland Security (DHS). I am assigned to the Special Agent in Charge (SAC), Office of Investigations (OI) in Detroit, Michigan with offices located at 477 Michigan Ave, Suite 1850, Detroit, Michigan. I have been employed with HSI since March, 2007. I have successfully completed the Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have received a Bachelor's Degree in Criminal Justice from Michigan State University, as well as a Master's Degree in Criminal Justice from Michigan State University. I have successfully completed the Basic Computer Evidence Recovery Training (BCERT) at FLETC and the Advanced Computer Evidence Recovery Training at the Cyber Crimes Center (C3) and the Cyber Crime Center Mobile and Cellular Device Data Extraction course and possess an A+ certification.

2. This affidavit is made in support of a criminal complaint and arrest warrant for Nicholas Dunn (DOB XX/XX/1981) for violations of Title 18, United States Code, Sections 2251 and 2 – attempted production and production of child pornography.

3. This affidavit is based on my personal knowledge, experience, and training as well as on information obtained by me through investigative observations and conversations with other HSI agents and agents from other law enforcement agencies. This affidavit does not set forth every fact resulting from this investigation; rather, it contains a summary of facts for the limited purpose of establishing probable cause to obtain an arrest warrant for Nicholas Dunn.

PROBABLE CAUSE

4. On or about December 11, 2022, an agent with Homeland Security Investigations (HSI) Greenville, acting in an undercover capacity, hereinafter referred to as Undercover Agent (UCA), was present in an encrypted instant messaging application live chat room on a social media application, herein referred to as “Application X”. The UCA assumed the online identity of an adult individual with access to a minor child. While in “Application X”, the UCA

observed a user with a username herein referred to as “User-1,” later determined to be Preston Creed-Boehm, post an image of child pornography. The actual name of Application X and the actual username for “User-1” are known to me.

5. On this same date, the UCA began a one-on-one chat with Creed-Boehm. During the conversation, Creed-Boehm stated that he had engaged in sexual acts with minors and also distributed to the UCA child pornography and links to additional child pornography stored online. Creed-Boehm stated that he was grooming a 10-year-old female child (MV-1). When asked for more information, Creed-Boehm stated that he “French kissed, tongue-fucked and fingered her.”

6. Using this and other information I applied for and obtained a search warrant for Creed-Boehm’s residence, vehicle, and person, which were executed on December 15, 2022.

7. I conducted an initial review on the cellular phone that was located in Creed-Boehm’s pocket at the time of the execution of the search warrants. During the review, I observed that Application X was installed on this phone and that account “User-1” was logged in. Using Application X, Creed-Boehm engaged in a chat with “User-2” where Creed-Boehm stated that he took pictures of a minor female and engaged in sexual activity with her. Creed-Boehm then sent an image

of a nude prepubescent child, later determined to be MV-1, sitting at a table holding a sex toy near her vagina.

8. During an interview with Creed-Boehm, Creed-Boehm identified the minor child depicted in the picture described in paragraph 7 as MV-1, and stated that the picture was taken while she was at the residence of Nick Dunn. Creed-Boehm stated that Joshua Hippensteel and Dunn were at the house when the picture was taken. Creed-Boehm stated that “Dunn took the picture and thought I would be interested to have it”. Creed-Boehm initially stated that Dunn sent him this image via text message but later stated that Dunn had provided the image on a micro SD card that Creed-Boehm had given back to Dunn. Creed-Boehm also stated that MV-1 was sometimes completely naked while at Dunn’s residence.

9. During the review of Creed-Boehm’s phone, I also observed a text conversation between Creed-Boehm and a contact saved as “Josh Hippensteel,” with an address at the residence of Hippensteel and Dunn. I observed the following messages in this conversation, which appears to discuss sexual assaults of MV-1 by Creed-Boehm and Dunn:

November 7-8, 2022

Creed-Boehm: Oh. Is [apparent reference to MV-1] still in her mood

Hippensteel: No

Creed-Boehm: When I come over, will she want to do anything

Hippensteel: She says no

Creed-Boehm: Honestly, what do I have to do in order to do anything with her?

Hippensteel: Ask her in person

Creed-Boehm: Something tells me that her answer will be spend a lot of money on her

Hippensteel: Probably

Creed-Boehm: Tell her this. *In retrospect, you wouldn't have most of the things you have now, if it wasn't for me. In the 8 years that you have known me, I have spent thousands of dollars on you."

Creed-Boehm: Did you tell her that

Hippensteel: You should tell her in person

...

Creed-Boehm: I'll be onn my way in a bit

Creed Boehm: I have my dick between her knees

Hippensteel: Cool

Creed-Boehm: Made it home safely. Now I understand why she didn't want to do anything with me today

Hippensteel: Why

Creed-Boehm: Well one she had Nick's dick in her and she used the toy

Hippensteel: Oh that makes sense

Creed-Boehm: He was asking me if I convinced her to do anything. I couldn't really do much with her because he's always hogging her

Creed-Boehm: So he needs to let me get some action from her

10. I have also had the opportunity to review a police report from January, 2021, which documented a forensic interview with a minor child (MV-3). During this interview, MV-3 stated that she was sexually assaulted by Dunn when she was approximately between the ages of 9 and 12 years old, to include digital penetration of her vagina. MV-3 further stated that she had observed Dunn watching child pornography on his laptop, involving children who were approximately 5 or 6 years old and were touching their private areas.

11. Based on this and other information, I obtained a search warrant for the residence where Hippensteel and Dunn resided, which was executed on December 20, 2022. At the time of the search warrant, Dunn and Hippensteel were present.

12. Hippensteel told law enforcement that MV-1 and Dunn slept together in the same bed at the residence, and that Dunn and MV-1 had taken showers together. During a review of Hippensteel's cellular phone, I also observed a 35 second video that depicts MV-1 enter a room completely nude. An adult male is filming from what appears to be a lying down position and is heard stating "I thought it was your turn" to which MV-1 replies "no its your turn" and refers to the male filming by Hippensteel's name. Dunn then enters the room holding his cellular phone up as if he is also recording. Dunn is wearing a shirt but no pants and his penis is exposed. The adult male, believed to be Hippensteel, then tells MV-1 to take a turn, then he will take a turn. MV-1 then exits the room.

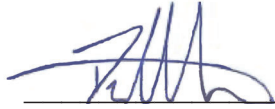
13. During interviews with myself and/or the Genesee County Sheriff's Department, an adult female, whose identity is known to law enforcement, told law enforcement that MV-1 slept in Dunn's bed without any clothes on while at the residence. She also said that Dunn had recorded a video of MV-1 performing oral sex on Dunn, and that Dunn had shown her the video. She stated that the video was taken from a perspective consistent with Dunn having recorded the video. She also stated that Dunn had shown her multiple nude images and videos depicting MV-1 in sexual positions and with sex toys. She stated that in some of these nude images and videos, Dunn's voice could also be heard.

14. Also on December 20, 2022, MV-1 was forensically interviewed. MV-1 stated that Dunn and Hippensteel were present when the photograph described in paragraph 7 was taken, and that it had happened during a game that she was playing with Dunn and Hippensteel. MV-1 stated that, prior to taking the photograph, Dunn had instructed MV-1 on what to do for the picture and how to hold the sex toy. MV-1 stated that Dunn or Hippensteel had then taken the photograph and sent the photograph to Creed-Boehm. MV-1 also described another instance where Dunn made MV-1 perform oral sex on Dunn, and Dunn recorded the activity.

CONCLUSION

15. I respectfully submit that there is probable cause to believe that Nicholas Dunn violated Title 18, United States Code, Sections 2251 and 2 – attempted production and production of child pornography.

16. I request that the Court authorize the issuance of a criminal complaint and arrest warrant for Nicholas Dunn.



David M Alley
Special Agent
Homeland Security Investigations



Curtis Ivy, Jr.
UNITED STATES MAGISTRATE JUDGE

Date: December 22, 2022